

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 18, 2012

SENATE BILL

No. 1166

Introduced by Senator Berryhill

February 22, 2012

An act to amend Sections 3953, 4334, and 4902 of, and to add Sections 715 and 715.1 to, the Fish and Game Code, relating to wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as amended, Berryhill. Department of Fish and Game: Big Game Management Account funds.

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law ~~grants authority to~~ *authorizes* the Department of Fish and Game to issue tags, stamps, and licenses for the hunting of antelope, elk, upland game birds, deer, wild pigs, bears, and bighorn sheep upon payment of a fee, to be deposited into the fund. Existing law establishes the Big Game Management Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from antelope, elk, deer, wild pig, bear, and bighorn sheep tags, including fundraising tags.

This bill would require the department to permit a nonprofit organization that is designated by the department and that is associated with the sale of deer or bighorn sheep tags that are sold on behalf of

the department for the purpose of raising funds for specified programs and projects to retain the lesser of that organization's administrative costs of selling the tag or 10% of the amount for which the tag is sold.

~~Existing law requires that funds deposited in the account be available for expenditure upon appropriation to the department, as specified.~~

~~This bill would limit those specifications to the purposes defined in the statute that creates the fund, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 715 is added to the Fish and Game Code,
2 to read:

3 715. The Legislature hereby finds and declares all of the
4 following:

5 (a) The National Survey of Fishing, Hunting, and
6 Wildlife-Associated Recreation has been conducted since 1955
7 and is one of the oldest and most comprehensive continuing
8 recreation surveys.

9 (b) The 2006 National Survey of Fishing, Hunting, and
10 Wildlife-Associated Recreation found all of the following:

11 (1) Eighty-seven million five hundred thousand United States
12 residents 16 years of age and older participated in
13 wildlife-dependent recreation.

14 (2) Individuals participating in wildlife-dependent recreation
15 spent ~~\$122.3~~ *one hundred twenty-two billion three hundred million*
16 *dollars (\$122,300,000,000)* in 2006 on their activities, which
17 equated to 1 percent of the gross domestic product.

18 (3) Hunters and anglers spent ~~\$76.6~~ *seventy-six billion six*
19 *hundred million dollars (\$76,600,000,000)*, while wildlife viewers
20 spent ~~\$45.7~~ *forty-five billion seven hundred million dollars*
21 *(\$45,700,000,000)*.

22 (4) Seven million four hundred thousand California residents
23 and nonresidents 16 years of age and older fished, hunted, or
24 viewed wildlife in this state.

25 (5) State residents and nonresidents spent \$8 billion on
26 wildlife-dependent recreation in this state.

1 (c) The Department of Fish and Game reported that, in 2006,
2 hunters and anglers spent seventy-eight million dollars
3 (\$78,000,000) on licenses, stamps, tags, and access fees.

4 (d) Revenue generated by wildlife-dependent recreational
5 activities plays an exceedingly important role in California's
6 economy.

7 (e) Revenue generated by hunters is critical to the department's
8 ability to protect, enhance, and manage wildlife habitat.

9 SEC. 2. Section 715.1 is added to the Fish and Game Code, to
10 read:

11 715.1. (a) The department shall permit a nonprofit organization
12 that is designated by the department and that is associated with
13 the sale of deer or bighorn sheep tags that are sold on behalf of the
14 department for the purpose of raising funds for specified programs
15 and projects pursuant to subdivision (a) of Section 4334 and
16 subdivision (d) of Section 4902 to retain the lesser of that
17 organization's administrative costs of selling the tag or 10 percent
18 of the amount for which the tag is sold.

19 (b) The total amount retained from a sale pursuant to subdivision
20 (a) shall not exceed the lesser of the administrative costs of that
21 sale or 10 percent of the amount of the sale.

22 SEC. 3. Section 3953 of the Fish and Game Code is amended
23 to read:

24 3953. (a) The Big Game Management Account is hereby
25 established within the Fish and Game Preservation Fund.

26 (b) Notwithstanding Section 715.1, all revenues from the sale
27 of antelope, elk, deer, wild pig, bear, and sheep tags, including
28 any fundraising tags, shall be deposited in the Big Game
29 Management Account with the receipt and expenditure of these
30 funds accounted for separately.

31 (c) ~~(1)~~ Funds deposited in the Big Game Management Account
32 shall be available for expenditure upon appropriation by the
33 Legislature to the department solely for the purposes described in
34 this section. As the primary purpose of the Big Game Management
35 Account, the department shall expend these funds for the purposes
36 set forth in Sections 3951 and 3952, and Chapter 5 (commencing
37 with Section 450) of Division 1, Chapter 7 (commencing with
38 Section 4650), and Chapter 11 (commencing with Section 4900),
39 including acquiring land, completing projects, and implementing
40 programs to benefit antelope, elk, deer, wild pigs, bear, and sheep,

1 and expanding public hunting opportunities and related public
2 outreach. Any land acquired with funds from the Big Game
3 Management Account shall be acquired in fee title or protected
4 with a conservation easement and, to the extent possible, be open
5 or provide access to the public for antelope, elk, deer, wild pig,
6 bear, or sheep hunting. *The department may also use funds from*
7 *the Big Game Management Account to pay for administrative and*
8 *enforcement costs of the programs and activities described in this*
9 *section. The amount allocated from the account for administrative*
10 *costs shall be limited to the reasonable costs associated with*
11 *administration of the programs and activities described in this*
12 *section.*

13 ~~(2) As a secondary purpose, the department may also use funds~~
14 ~~from the Big Game Management Account to pay for administrative~~
15 ~~and enforcement costs of the programs and activities described in~~
16 ~~this section. The amount allocated from the account for~~
17 ~~administrative and enforcement costs shall be limited to the~~
18 ~~reasonable costs associated with the direct administration and~~
19 ~~enforcement of the programs and activities described in this section.~~

20 (d) The department may make grants to, reimburse, or enter
21 into contracts or other agreements as defined in subdivision (a) of
22 Section 1571 with, nonprofit organizations for the use of the funds
23 from the Big Game Management Account to carry out the purposes
24 of this section, including related habitat conservation projects.

25 (e) An advisory committee, as determined by the department,
26 that includes interested nonprofit organizations that have goals
27 and objectives directly related to the management and conservation
28 of big game species and primarily represent the interests of persons
29 licensed pursuant to Section 3031 shall review and provide
30 comments to the department on all proposed projects, and
31 administrative and enforcement expenditures funded from the Big
32 Game Management Account to help ensure that the requirements
33 of this section have been met. The department shall post budget
34 information and a brief description on an Internet Web site for all
35 expenditures from the Big Game Management Account.

36 (f) Big game projects authorized pursuant to this section are not
37 subject to Part 2 (commencing with Section 10100) of Division 2
38 of the Public Contract Code or Article 6 (commencing with Section
39 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

1 (g) The department shall maintain the internal accountability
2 necessary to ensure compliance with the collection, deposit, and
3 expenditure of funds specified in this section.

4 SEC. 4. Section 4334 of the Fish and Game Code is amended
5 to read:

6 4334. (a) The commission shall annually direct the department
7 to authorize, pursuant to Section 1054.8, the sale of not more than
8 10 deer tags for the purpose of raising funds for programs and
9 projects as set forth in Section 3953. Except as provided in Section
10 715.1, all revenue from the sale of tags pursuant to this section
11 shall be deposited in the Big Game Management Account
12 established in Section 3953 and, upon appropriation by the
13 Legislature, shall be expended as set forth in that section.

14 (b) These tags may be sold to residents or nonresidents of the
15 State of California at auction or by any other method and are not
16 subject to the fees prescribed by Section 4332.

17 (c) These funds shall augment, not supplant, any other funds
18 appropriated to the department for the preservation, restoration,
19 utilization, and management of deer. All revenues derived from
20 the sale of these tags shall be remitted to the department by the
21 seller.

22 SEC. 5. Section 4902 of the Fish and Game Code is amended
23 to read:

24 4902. (a) The commission may adopt all regulations necessary
25 to provide for biologically sound management of Nelson bighorn
26 sheep (subspecies *Ovis canadensis nelsoni*).

27 (b) (1) After the plans developed by the department pursuant
28 to Section 4901 for the management units have been submitted,
29 the commission may authorize sport hunting of mature Nelson
30 bighorn rams. Before authorizing the sport hunting, the commission
31 shall take into account the Nelson bighorn sheep population
32 statewide, including the population in the management units
33 designated for hunting.

34 (2) Notwithstanding Section 219, the commission shall not,
35 however, adopt regulations authorizing the sport hunting in a single
36 year of more than 15 percent of the mature Nelson bighorn rams
37 in a single management unit, based on the department's annual
38 estimate of the population in each management unit.

39 (c) The fee for a tag to take a Nelson bighorn ram may be
40 determined by the commission, but shall not exceed five hundred

1 dollars (\$500). Fee revenues shall be deposited in the Big Game
2 Management Account established in Section 3953 and, upon
3 appropriation by the Legislature, shall be expended as set forth in
4 that section.

5 (d) The commission shall annually direct the department to
6 authorize not more than three of the tags available for issuance
7 that year to take Nelson bighorn rams for the purpose of raising
8 funds for programs and projects to benefit Nelson bighorn sheep.
9 These tags may be sold to residents or nonresidents of the State
10 of California at auction or by another method and shall not be
11 subject to the fee limitation prescribed in subdivision (c).
12 Commencing with tags sold for the 1993 hunting season, if more
13 than one tag is authorized, the department shall designate a
14 nonprofit organization organized pursuant to the laws of this state,
15 or the California chapter of a nonprofit organization organized
16 pursuant to the laws of another state, as the seller of not less than
17 one of these tags. The number of tags authorized for the purpose
18 of raising funds pursuant to this subdivision, if more than one,
19 shall not exceed 15 percent of the total number of tags authorized
20 pursuant to subdivision (b). Except as provided in Section 715.1,
21 all revenue from the sale of tags pursuant to this subdivision shall
22 be deposited in the Big Game Management Account established
23 in Section 3953 and, upon appropriation by the Legislature, shall
24 be expended as set forth in that section.

25 (e) No tag issued pursuant to this section shall be valid unless
26 and until the licensee has successfully completed a prehunt hunter
27 familiarization and orientation and has demonstrated to the
28 department that he or she is familiar with the requisite equipment
29 for participating in the hunting of Nelson bighorn rams, as
30 determined by the commission. The orientation shall be conducted
31 by the department at convenient locations and times preceding
32 each season, as determined by the commission.